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EXAMINER	
JARRETT, SCOTT L	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/836,152	BASSON ET AL.	
	Examiner	Art Unit	
	Scott L. Jarrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This **Final** Office Action is in response to Applicant's amendment filed May 22, 2006. Applicant's amendment amended claims 1-19. Currently Claims 1-19 are pending.

Response to Amendment

2. The Objection to the Title in the previous office action is withdrawn in response to Applicant's amendment to the Title.

The Objections to Claims 12 and 18 in the previous office action are withdrawn in response to Applicant's amendments to Claims 12 and 18.

The 35 U.S.C. 112(1) rejection of Claims 1-18 in the previous office action is withdrawn.

The 35 U.S.C. 112(2) rejection of Claims 7, 11 and 19 in the previous office action is withdrawn in response to Applicant's amendments to Claims 7, 11 and 19.

Response to Arguments

3. Applicant's arguments filed May 22, 2006 have been fully considered but they are not persuasive. Specifically Applicant's argue that:

- Ramakrishnan et. al. Database Management Systems is in invalid reference (Remarks: Paragraph 3, Page 10);

- the invention, as claimed, is not limited to automatic speech recognition products (Remarks: Paragraph 3, Page 14); and

- the prior art of record fails to teach or suggest *determining* whether the software product is an automatic speech recognition product (Remarks Paragraph 2, Page 15).

Additionally Applicants request clarification of the publication date of the Burrelle's Information Office Product Brochure (Remarks, Last Paragraph, Page 9; Paragraphs 1-2, Page 10).

As per the applicant's argument that Ramakrishnan et al., Database Management Systems Third Edition (the first/second editions being released in 1998 and 2000 respectively) fails to be a proper reference for supporting the officially noticed facts the examiner respectfully disagrees.

The provided passages of Ramakrishnan et al., Chapter 1 – Overview of Database Systems - Pages 3-9, clearly provide merely a basic overview of database systems in general wherein the overview includes the historical usage (1980s, 1990s) of such database systems, the discussion of which simply represents knowledge possessed by those skilled in the art prior to the filing of the instant application therefore Ramakrishnan et al. is a proper supporting reference for the officially noticed fact(s).

Further it is noted that Applicant's attempt at traversing the Official Notice findings as stated in the previous Office Action(s) (Remarks filed December 22, 2005: Last Paragraph, Page 7; Remarks filed May 22, 2006) is inadequate. Adequate

traversal is a two-step process. First, Applicant's must state their traversal on the record. Second and in accordance with 37 C.F.R. 1.111(b) which requires Applicant's to specifically point out the supposed errors in the Office Action, Applicant's must state why the Official Notice statement(s) are not to be considered common knowledge or well known in the art.

In this application, while Applicant(s) have clearly met step (1), Applicant(s) have failed step (2) since they have failed to argue why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. Because Applicant(s)' traversal is inadequate, the Official Notice statement(s) are taken to be admitted as prior art. See MPEP 2144.03.

Specifically it has been established that it was old and well known in the art at the time of the invention:

- to store a plurality of information (data) in a database provides a convenient mechanism for accessing stored information;

- to include of instructions on how to use a system (software product, help files, tutorials, training manual, sample files, and the like) thereby ensuring users of the product can successfully and properly utilize the system/product; and

- that there exists a plurality of methods (systems, techniques, tools, etc.) for scanning and collecting publicly available information in order to identify items (people, articles, broadcasts, etc.) of interests (e.g. media monitoring services) wherein these services manage databases of information (newspapers, magazines, television, radio,

etc.) that enable users to search, identify and collect a plurality of information/data, (e.g. transcripts of video/radio broadcasts).

As per Applicant's argument that the invention, as claimed, is not limited to automatic speech recognition products the examiner respectfully disagrees.

Specifically, the recitation that the method is for promoting a "software product" (i.e. that the promotion method applies to any software product other than an automatic speech recognition product as claimed) has not been given patentable weight because the recitation occurs in the preamble in independent claims 1 and 11 (independent Claim 19 being expressly limited to ASR products). A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Further it is noted that the applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., promoting software products other than automatic speech recognition products) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As per Applicant's argument that the prior art of record fails to teach or suggest *determining* whether the software product is an automatic speech recognition products the examiner respectfully disagrees.

As an initial matter, independent claims 1 and 11 essentially comprise the following:

A system and method for promoting the use of a (selected) software product, having an adaptation module, comprising:

- selecting a person to adapt the software product to from a list/person database;

- providing sample data of the person from a storage device (server, subsystem, etc.);

- accessing, by the adaptation module (system), the sample data associated with the person; and

- configuring (adapting/training) the software product to adapt to the person utilizing the adaptation module and the sample data.

wherein these steps are patentably indistinguishable from nearly all automatic recognition systems including but not limited to speech/voice, face, and/or biometric recognition systems in which most recognition systems/software products implicitly and/or inherently require some degree of training, adaptation, and/or configuration for the specific people who will be utilizing the system for without such individual/personal adaptation the system would be unable to perform properly.

Further these essential steps, as applied to automatic speech recognition systems, are clearly anticipated by at *least* Dragon System's NaturallySpeaking product (Office Action mailed February 27, 2006 Pages 10-11 and 22-23) and Kahn, et al., U.S. Patent No. 6,122,614 in view of Kahn et al., U.S. Patent No. 6,704,709 (Office Action mailed Pages 6-9).

Further the recited method step of determining if a product/software product is an automatic speech recognition (ASR) product merely represents non-functional descriptive material as the method steps are unchanged/unaltered even in the case that the software product is determined to be an automatic speech recognition since the steps merely recite transcribing a verbal sample of data from the sample data which would be inherent and/or is an old and well known step for nearly any method/system for training/adaptation of an automatic recognition software product.

Further it is noted that the invention as claimed does not positively recite who or what is doing the determining step making it equally likely that a person using the software product or a computer implemented method/system determines if the software product is an automatic speech recognition product.

In the case that the person utilizing the software product determines if the product is an automatic speech recognition product the person/entity who selects/uses a product, for example the developer/distributor/manufacturer of the product, would inherently know the type of product (speech/voice recognition, image/face recognition,

etc.) they had created and/or are using for without such knowledge it would be impossible to create, use, promote, advertise or market the product. It is implicit in a person's use of a software product that they recognize what type of software product they are using and what type of data is appropriate for the particular software product; for example one wouldn't try to use any data to train a voice recognition system (e.g. fingerprint data); the user would recognize that the software product is an automatic speech recognition product and utilize the appropriate person sample data such as recordings of the person to adapt/train the software product to the person.

If however the Applicant's intended to claim that a computer system/program itself, autonomously and/or automatically, determines if a software product is an automatic speech recognition product then the claims would read like a generic or multi-function module (component, helper, launcher application) system/software product that detects the type of program (e.g. by the programs name, filename, extension, registry, etc.) being run/launched or that it is "talking to" (connected to, communicating with, etc.) and adapts/configures itself to read/execute any of a plurality of programs/routines in response to that determination (e.g. a browser plug-in which causes a generic/multi-function browser to launch/run the appropriate helper application/program based on the plug-in type).

In summary it is implicit that that any software product having an adaptation module requires person sample data in order to train/adapt/configure the product for use by the person and if any owner/user of such a software product were to solicit an

endorsement from a high profile person it is inherent that the appropriate person sample data be collected in order to train/adapt/configure the software product to the person; accordingly it would have been obvious to one skilled in the art at the time of the invention that for any software product having an adaptation module that one would have to configure/adapt the software product using the adaptation module and the person sample data to the person regardless of the software products intended use (i.e. whether or not the software product is being used under "normal" circumstances or for promotional purposes).

As per Applicant's request for clarification of the publication of the Burrelle's Information Office product brochure the examiner was unable to confirm the publication date of the product brochure.

However, the Burrelle's Information Office (BIO) product brochure discloses features and/or characteristics inherent in the Burrelle's Information Office product/service that launched in 1998. Further the Burrelle's Information Office product was made of record and is considered pertinent to applicant's disclosure but was *not* relied upon in the Office Action mailed October 11, 2005; specifically the product brochure was not used to support the officially noticed fact that there exists a *plurality* of means for identifying (scanning, collecting, retrieving, filtering, searching, etc.) information of interest.

Support for the officially noticed fact that there exists a *plurality* of means for identifying (scanning, collecting, retrieving, filtering, searching, etc.) information of

interest included, but is not limited to, as discussed in the Office Action mailed October 11, 2005 (Page 3):

- Burrelles.com: media monitoring, news clipping, radio/television transcripts; Pages 1, 6-8 (PTO-1449 mailed October 11, 2005, V1);
- Nash: mailing lists, direct mail marketing, database marketing, etc.; Pages 21, 53-54, 59, 112 (PTO-1449 mailed October 11, 2005, U2); and
- Herz et al., U.S. Patent No. 5,754,938: Column 55, Lines 38-68; Column 60, Lines 33-50 (PTO-1449 mailed October 11, 2005, A).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding independent claims 1, 11 and 19 the disclosure fails to adequately teach how one (person and/or system) would utilize the adaptation module to configure the software product to adapt the product to a person for any product other than software products having old and well known adaptation process, methods and/or systems (e.g. the well known adaptation/configuration of automatic speech recognition products to users using sample audio data) and without this disclosure one skilled in the art would be unable to practice the invention without undue experimentation.

The "adaptation module" as claimed can include any of a plurality of programs (routines, code, objects, subsystems, etc.) which can be used to configure a software product to a user including but not limited to spellchecking for word processing software such as MS Word, a variety of filtering techniques (e.g. for image software such as

Adobe Photoshop), software for editing movies (audio and video tracks) and just about any software product that enables users to configure (adapt) the data or the software in any way imaginable. Therefore since the disclosure fails to adequately teach one skilled in the art how to adapt/configure all known methods for adapting software products one skilled in the art would be unable to practice the invention without undue experimentation, except in the case that the software product being configured/adapted has an old and well known method, process and/or system for being configured to adapt to the person utilizing the software product's adaptation module and sample data (e.g. the well know method/techniques for adapting automatic speech recognition software products).

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: what method steps are taken, if any, if the software product/product is determined **not** to be an automatic speech recognition product.

For the purposes of examination the examiner interpreted independent claim 1 to read, when it is determined that the software product is **not** an automatic speech recognition product:

A method for promoting use of a software product having an adaptation module, the method comprising:

- providing sample data of a person from a data storage device;

- accessing, by the adaptation module, the sample data associated with the person;

- determining if the software product is an automatic speech recognition product;

- configuring the software product to adapt to the person by utilizing the adaptation module and the sample data.

For the purposes of examination the examiner interpreted independent claim 11 to read, when it is determined that the software product is **not** an automatic speech recognition product:

A system for promoting the use of a selected software product having an adaptation module, the system comprising:

- a person database for storing data associated with at least one person including accessing data providing instructions for accessing sample data associated with the at least one person; and

- a server for accessing data associated with a person selected for promoting the selected product from the at least one person and determining if the selected product is an automatic speech recognition product.

<method steps end when software product is not an automatic speech recognition product>

For the purposes of examination the examiner interpreted independent claim 19 to read, when it is determined that the software product is **not** an automatic speech recognition product:

A method for promoting the use of an automatic speech recognition software product including an automatic speech recognition (ASR) product, the method comprising:

- selecting a person from a database by utilizing a predetermined selection criteria;

- adapting the ASR product utilizing sample data for the selected person;

- tracking the person's ASR usage;

- providing the ASR product to the person, prior to the adapting, for at least one of the person's approval and use;

- determining if the software product is an ASR product;

- negotiating an endorsement agreement with the endorser if the person is satisfied with the software product; and

- promoting the endorser's use of the software product using information collected about the person.

Claim Objections

8. Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Both Claim 3 and Claim 1, from which Claim 3 depends, recite the same limitation that the sample data is stored in a data storage device *prior* to the adaptation of the automatic speech recognition product.

Claim 19 is objected to since Claim 19 recites the limitation "*the* endorser". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4, 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Dragon System's NaturallySpeaking product as evidenced by at least the following:

I. Kay et al., Dragon NaturallySpeaking for Dummies (October 1999), herein after reference A; and

II. Adler, Alan, Speech Recognition Software, Round II (December 1998/January 1999), herein after reference B.

Regarding Claims 1 and 3 NaturallySpeaking teaches a method and system for adapting an automatic speech recognition software product (system, voice recognition system, etc.), have an adaptation module, wherein the system/method comprises:

- providing sample data of a person from a data storage device (reference A: Pages 111-112; Paragraph 4, Page 114; reference B: Column 2, Paragraph 2, Page 56; Column 3, Paragraph 1, Page 62);

- accessing (opening, using, viewing, etc.), by the system (adaptation, training module), the sample data associated with the person (new user wizard, general training,

ongoing training, vocabulary builder, etc.; reference A: Pages 25-29, 33-37; reference B: Column 1, Paragraph 2, Page 57; Page 62; Figure 3);

- determining whether the software product is an automatic speech recognition product (system, method, code, program, etc.; this is inherent in a person's decision to use/purchase the Dragon NaturallySpeaking product to transcribe speech and/or perform other voice recognition tasks/activities; i.e. they selected/purchased precisely because it is an ASR product);

- transcribing a verbal sample of data from the sample data (i.e. using the ASR to transcribe an audio file; reference A: Pages 127-129; reference B: Column 1, Page 59); and

- configuring (adapting, training, initializing, etc.) the software product to adapt to the person by utilizing the system (adaptation/training module, code, program, subsystem, etc.) and the sample data (recorded audio files, scanned documents, vocabulary builder, new user wizard, mobile recorder setup, etc.; reference A: Pages 25-29, 33-37, 118; Table 3-1; reference B: Column 1, Paragraph 2, Page 57; Pages 62-63; Figure 8).

Regarding Claim 2 NaturallySpeaking teaches a method for adapting an automatic speech recognition software product wherein the software product is provided to the person (for whom it is trained; e.g. a person purchases the ASR product and uses it; reference A: Page 9; reference B: Column 2, Paragraph 2, Page 55).

Regarding Claim 4 NaturallySpeaking teaches a method for adapting an automatic speech recognition software product further comprising selecting a person from a person database (list, spreadsheet, system, etc.) that stores data associated with the person wherein the associated data includes the sample data associated with the person (personal speech files, scanned documents, vocabulary builder, recorded audio/dictation, etc.; reference A: Pages 25-29, 33-37, 118; Table 3-1; reference B: Column 2, Paragraph 2, Page 56; Column 3, Paragraph 1, Page 62).

Regarding Claim 6 NaturallySpeaking teaches a method for adapting an automatic speech recognition software product further comprising:

- accessing a person file (database, list, file, system, etc.) that stores data associated with at least one person wherein the system/data provides instructions for accessing (opening, viewing, retrieving, using, etc.) the sample data (quick tour, tutorial, how to, manual, user guide, etc.; reference A: Pages 38-39, 299-301; reference B: Column 1, Paragraphs 3-5, Page 58);

- selecting a person from the system (database, list, etc.; reference A: Pages 25-29, 33-37, 118; Table 3-1; reference B: Column 2, Paragraph 2, Page 56; Column 3, Paragraph 1, Page 62);

- retrieving (accessing) data associated with the person (reference A: Pages 25-29, 33-37, 118; Table 3-1; reference B: Column 2, Paragraph 2, Page 56; Column 3, Paragraph 1, Page 62); and

- accessing (opening, viewing, using, retrieving, etc.) the sample data based on the retrieved (accessing) data (reference A: Pages 25-29, 33-37, 118; Table 3-1; reference B: Column 2, Paragraph 2, Page 56; Column 3, Paragraph 1, Page 62).

Regarding Claim 7 NaturallySpeaking teaches a method for adapting an automatic speech recognition software product further comprising:

- tracking use of the product by the selected person (i.e. ongoing training/refinement/correction of the ASR product to the selected person; reference A: Paragraph 1, Page 32; Pages 33-34; Table 3-1; reference B: "How speech recognition works", Page 57; "Increasing Vocabulary", Page 63); and

- storing data in the system (person database, files, memory, etc.) as tracking data associated with the selected person (vocabulary, personal speech files, etc; reference A: Pages 25-29, 33-37, 118; Table 3-1; reference B: "How speech recognition works", Page 57; "Increasing Vocabulary", Page 63).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 5 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dragon System's NaturallySpeaking product as evidenced by at least the following:

I. Kay et al., Dragon NaturallySpeaking for Dummies (October 1999), herein after reference A; and

II. Adler, Alan, Speech Recognition Software, Round II (December 1998/January 1999), herein after reference B.

as applied to claims 1-4 and 6-7 above and further in view of Miciak, et al., Choosing Celebrity Endorsers (Winter 1994).

Regarding Claim 5 NaturallySpeaking teaches a method for adapting an automatic speech recognition software product, as discussed above.

While NaturallySpeaking teaches the marketing/promoting of the automatic speech recognition product (implicit in the commercial sale of the product) NaturallySpeaking is silent on the specific methods used to promote/market the product and subsequently does not expressly teach selecting a product to be promoted from a plurality of products available for promotion as claimed.

Miciak et al. teach selecting a product to be promoted from a plurality of products available for promotion in an analogous art of promoting the purchase of products/services for the purposes of persuading consumers to purchase products/services using high profile persons' such as celebrities as product/service endorsers (Paragraph 2, Page 1; Paragraphs 2-6, Page 2).

Miciak et al. teach the well-known and wide spread use of celebrity endorsements to promote the use of one or more selected products/services as well as teach a method for promoting the use of a product comprising researching, identifying, listing and selecting, using one or more selection criteria, one or more high profile persons for promoting/endorsing one or more selected products/services (Paragraph 2, Page 1; Last Paragraph, Page 3; Paragraphs 2, 4-8, Bullets 1-5, Page 4; Paragraph 7, Page 8).

Miciak et al. further teach that the method for promoting the use of a product/service includes capturing and using the selected high profile person's feedback in an advertisement for the selected product (e.g. testimonials; Paragraph 6, Page 2; Paragraph 7, Page 6) as well as compensating endorsers for their promotion of the product/service (hire, acquire, contract, etc.; Paragraph 7, Page 2; Paragraph 6, Page 5; Paragraph 4, Page 7).

It would have been obvious to one skilled in the art at the time of the invention that the method/system for adapting an automatic speech recognition software product

as taught by NaturallySpeaking would have benefited from employing any of a plurality of methods/systems to market/promote the use of the commercial ASR product including but not limited to using celebrity endorsements/testimonials to promote the use of the ASR product in view of the teachings of Miciak et al.; the resultant method assisting in promoting the sale of the ASR product, which is purely known, and an expected result from celebrity endorsements of what is known in the art (Miciak et al.: Paragraph 2, Page 1; Paragraph 3, Page 2; Paragraph 4, Page 9).

Regarding Claim 8 NaturallySpeaking teaches a method for adapting an automatic speech recognition software product further comprising:

- obtaining feedback data (corrections, continued training, vocabulary builder, etc.) from the selected person regarding the selected person's use of the product (reference A: Paragraph 1, Page 32; Pages 33-34; Table 3-1; reference B: "How speech recognition works", Page 57; "Increasing Vocabulary", Page 63); and

- storing the feedback data in the person database (system, subsystem, set of files, electronic storage, etc.) in association with the selected person (personal speech files; reference A: Pages 25-29, 33-37, 118; Table 3-1; reference B: "How speech recognition works", Page 57; "Increasing Vocabulary", Page 63).

NaturallySpeaking does not expressly teach that the feedback obtained from the selected persons use of the product comprises the person's *satisfaction* with the product as claimed.

Official notice is taken that is a very common and typical business practice to obtain one or more person's feedback related to their use of a product and to use that feedback (e.g. in the form of a testimonial) to promote the use of the product wherein such endorsements/testimonials can positively impact the sales and/or perception (e.g. brand) of the promoted product/service.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for adapting an automatic speech recognition software product as taught by NaturallySpeaking would have benefited from using one or more person's feedback related to the person's satisfaction with the ASR product in view of the teachings of official notice; the resultant method providing potential customers/consumers with the high profile person's positive experiences with the product/service (testimonials) thereby influencing the consumer's intent to purchase.

Regarding Claim 9 NaturallySpeaking teaches a method for adapting an automatic speech recognition software product further comprising tracking data and feedback data associated product with a selected person as discussed above.

While NaturallySpeaking teaches the marketing/promoting of the automatic speech recognition product (i.e. implicit in the commercial sale of the product) NaturallySpeaking is silent on the method used to market/promote the automatic speech recognition product and subsequently does not expressly teach incorporating

the selected person's feedback data into an advertisement or advertising the product as claimed.

Official notice is taken that is a very common and typical business practice to obtain one or more person's feedback related to their use of a product and to use that feedback (e.g. in the form of a testimonial) to promote the use of the product wherein such endorsements/testimonials can positively impact the sales and/or perception (e.g. brand) of the promoted product/service.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for adapting an automatic speech recognition software product as taught by NaturallySpeaking would have benefited from using one or more person's feedback related to the person's satisfaction with the ASR product in view of the teachings of official notice; the resultant method providing potential customers/consumers with the high profile person's positive experiences with the product/service (testimonials) thereby influencing the consumer's intent to purchase.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dragon System's NaturallySpeaking product as evidenced by at least the following:

I. Kay et al., Dragon NaturallySpeaking for Dummies (October 1999), herein after reference A; and

II. Adler, Alan, Speech Recognition Software, Round II (December 1998/January 1999), herein after reference B

in view of Miciak, et al., Choosing Celebrity Endorsers (Winter 1994) as applied to claims 1-9 and further in view of Durham, Deborah, How to get the biggest bang out of your next spokesperson campaign (1997).

Regarding Claim 10 the combination of NaturallySpeaking and Miciak et al. teach a method/system for adapting an automatic speech recognition software product and promoting the adapted ASR product as discussed above.

NatruralllySpeaking further teaches that the method for adapting an automatic speech recognition software product further comprises: support for multiple users (user/personal files; reference A: Pages 299-301; reference B: Column 2, Paragraph 2, Page 56) as well as scanning (searching, viewing, accessing, reviewing, etc.) available material for finding a information associated with a person having an entry in the system (person database, user/person files, etc.; e.g. vocabulary builder) and updating the personal files by adding the found data (reference A: Pages 25-29, 33-37, 118; Table 3-1; reference B: "How speech recognition works", Page 57; "Increasing Vocabulary", Page 63).

NaturallySpeaking does not expressly teach finding a *name* of a person by scanning scanned *publicly* available material, updating the person files by adding a found name of a person not entered in the person database or updating the person database by adding data associated with a person having data stored in the database as claimed.

Durham teaches finding a name of a person by scanning publicly available material (Bullet 3, Page 1; Paragraphs 1-4, and Last Paragraph, Page 2), updating the person files by adding a found name of a person not entered in the person list and updating the person list by adding data associated with a person, in an analogous art of promoting/advertising a product/service for the purposes of maximizing the effectiveness of the selected high profile's person promotion of the selected product (Title; Paragraphs 1-3, Page 1).

Durham further teaches a method for promoting the use of one or more selected products/services using one or more high profile persons (spokespersons, celebrities, etc.) comprising:

- identifying, researching, selecting and recommending one or more high profile persons to promote/endorse one or more selected products/services (Bullet 3, Page 1; Paragraphs 1-4, Last Paragraph, Page 2);

- utilizing high profile person lists, talent agents, spokesperson networks and the like to identify, contact and utilizing HPP for promoting/endorsing one or more selected products/services (Paragraph 2, Page 1; Last Paragraph, Page 6).

- maintaining up-to-date high profile person contact information for the purposes of contacting the HPP to asses their interest in promoting/endorsing a selected product/service (Paragraph 2, Page 1);

- incorporating feedback from the selected high profile person into the advertisement/promotion (second to last Paragraph, Page 3); and

- negotiating endorsement/promotional contracts and compensating HPP for endorsing/promoting the one or more selected products (Paragraph 6, Page 3; Bullets 1-4, Page 3).

It would have been obvious to one skilled in the art at the time of the invention that the system/method for adapting an automatic speech recognition product and promoting an ASR as taught by the combination of NaturallySpeaking and Miciak et al. would have benefited from scanning publicly available material to identify potential high profile persons to promote the ASR product as well as updating information/data on high profile persons' already identified as potential promotional/endorsement candidates in view of the teachings of Durham the resultant system/method maximizing the effectiveness of the selected high profile's person promotion of the selected product (Durham: Title; Paragraphs 1-3, Page 1).

14. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dragon System's NaturallySpeaking product as evidenced by at least the following:

I. Kay et al., Dragon NaturallySpeaking for Dummies (October 1999), herein after reference A; and

II. Adler, Alan, Speech Recognition Software, Round II (December 1998/January 1999)

in view of Miciak, et al., Choosing Celebrity Endorsers (Winter 1994).

Regarding Claim 11 NaturallySpeaking teaches a commercially available system and method for adapting (training, enrolling, initializing, etc.) an automatic speech recognition system (product) having an adaptation module the system/method comprising:

- storing data associated with at least one person and including instructions for accessing sample data associated with the at least one person (accessing data, help files, tutorial, how to, manual, instructions, computer code, etc.; reference A: Pages 111-112; Paragraph 4, Page 114; reference B: Column 2, Paragraph 2, Page 56; Column 3, Paragraph 1, Page 62);

- a server (subsystem, processor, computer, desktop, laptop, etc.) for:

- accessing data associated with a selected person (reference A: Pages 25-29, 33-37; reference B: Column 1, Paragraph 2, Page 57; Page 62; Figure 3);

- determining whether a selected product is an automatic speech recognition product (this is inherent in the persons decision to use the Dragon NaturallySpeaking

product to transcribe speech and/or perform other voice recognition tasks/activities; i.e. they selected/purchased because it is an ASR product);

- transcribing a verbal sample of data from the sample data, if it is determined that the software product is an automatic speech recognition product (reference A: Pages 127-129; reference B: Column 1, Page 59);

- using the accessing data to access the sample data for the selected person and adapting (training, configuring, etc.) the product for the selected person by using the sample data for the selected person to adapt (train, configure, etc.) the product to the selected person via the adaptation module (code, subsystem, program, etc.; reference A: Pages 25-29, 33-37, 118; Table 3-1; reference B: Column 1, Paragraph 2, Page 57; Pages 62-63; Figure 8).

NaturallySpeaking does not expressly teach utilizing a database to store the plurality of person data.

Official notice is taken that utilizing a database is an old and well-known method/approach for automating the storage, access/retrieval and utilization of electronic data as well as provides a convenient mechanism for accessing stored information.

It would have been obvious to a person of ordinary still in the art at the time of the invention that the system/method for adapting and promoting the use of an

automatic speech recognition product as taught by NaturallySpeaking would have benefited from utilizing a database to store the already electronically stored ASR data the resultant system providing a more robust mechanism for capturing, store and/or accessing/retrieving the data, which is purely known, and an expected result from automation of what is known in the art.

Further it is noted that it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply utilizing a database to store the ASR product information merely provides a more automatic/systematic mechanism for storing, retrieving and utilizing the already electronically available data and gives you just what you would expect from the storing the data electronically as shown in NaturallySpeaking. In other words there is no enhancement found in the claimed step. The claimed step of storing the data in a database only provides another mechanism/approach to access the already electronically available data. The end result is the same as compared to the method taught by NaturallySpeaking. A database can simply provide a more robust mechanism of accessing/retrieving and/or utilizing the ASR data. The result is the same.

While NaturallySpeaking teaches the marketing/promoting of the automatic speech recognition product (i.e. implicit in the commercial sale of the product)

NaturallySpeaking is silent on the method used to market/promote the automatic speech recognition product and subsequently does not expressly teach selecting a person for promoting the product as claimed.

Miciak et al. teach selecting a person to promote a selected product/service, in an analogous art product promotion/marketing for the purposes of contributing to the success of the product/service (Paragraph 2, Page 1; Paragraph 4, Page 9).

Miciak et al. further teach a method for promoting the use of a product comprising:

- researching, identifying, listing and selecting, using one or more selection criteria, one or more high profile persons for promoting/endorsing one or more selected products/services (Paragraph 2, Page 1; Last Paragraph, Page 3; Paragraphs 2, 4-8, Bullets 1-5, Page 4; Paragraph 7, Page 8);

- capturing and using the selection high profile person's feedback in an advertisement for the selected product (e.g. testimonials; Pargraph 6, Page 2; Paragraph 7, Page 6); and

- compensating endorsers for their promotion of the product/service (hire, acquire, contract, etc.; Paragraph 7, Page 2; Paragraph 6, Page 5; Paragraph 4, Page 7).

It would have been obvious to one skilled in the art at the time of the invention that the method for method for adapting an automatic speech recognition software

product as taught by NaturallySpeaking would have benefited from employing any of a plurality of methods/systems to market/promote the use of the commercial ASR product including but not limited to using celebrity endorsements/testimonials to promote the use of the ASR product in view of the teachings of Miciak et al.; the resultant method assisting in promoting the sale of the ASR product, which is purely known, and an expected result from celebrity endorsements of what is known in the art (Miciak et al.: Paragraph 2, Page 1; Paragraph 4, Page 9).

Regarding Claim 12 NaturallySpeaking teaches a commercially available system and method for adapting an automatic speech recognition system wherein the sample data is stored in association with the selected person (reference A: Pages 25-29, 33-37, 118; Table 3-1; reference B: Column 2, Paragraph 2, Page 56; Column 3, Paragraph 1, Page 62).

Regarding Claim 13 NaturallySpeaking teaches a commercially available system and method for adapting an automatic speech recognition system wherein the system (server):

- accessing product data includes instructions for using the product and adapting the product to a user (quick tour, tutorial, how to, manual, user guide, etc.; reference A: Pages 38-39, 299-301; reference B: Column 1, Paragraphs 3-5, Page 58); and

- retrieves product data associated with a product and uses the instructions (code, routine, macro, script, etc.) included in the associated product data to adapt the

selected product to the person (computer code/instructions, quick tour, tutorial, how to, manual, user guide, etc.; reference A: Pages 38-39, 299-301; reference B: Column 1, Paragraphs 3-5, Page 58).

While NaturallySpeaking teaches electronically storing and providing access to a plurality of product information wherein the product data/information includes instructions for using and adapting (enrolling, training, initializing, refining, correcting, etc.) the product for the selected user NaturallySpeaking does not expressly teach that the product information is stored in a product database or promoting the product as claimed.

Official notice is taken that utilizing a database is an old and well-known method/approach to automating the storage, access/retrieval and utilization of electronic data.

It would have been obvious to a person of ordinary still in the art at the time of the invention that the system/method for adapting and promoting the use of an automatic speech recognition product as taught by NaturallySpeaking would have benefited from utilizing a database to store the already electronically stored ASR data the resultant system providing a more robust mechanism for capturing, store and/or accessing/retrieving the data, which is purely known, and an expected result from automation of what is known in the art.

Miciak et al. teach selecting a product/service and a person to promote the selected product/service, analogous art product promotion/marketing for the purposes of contributing to the success of the product/service as discussed above.

It would have been obvious to one skilled in the art at the time of the invention that the method for method for adapting an automatic speech recognition software product as taught by NaturallySpeaking would have benefited from employing any of a plurality of methods/systems to market/promote the use of the commercial ASR product including but not limited to using celebrity endorsements/testimonials to promote the use of the ASR product in view of the teachings of Miciak et al.; the resultant method assisting in promoting the sale of the ASR product, which is purely known, and an expected result from celebrity endorsements of what is known in the art (Miciak et al.: Paragraph 2, Page 1; Paragraph 3, Page 2; Paragraph 4, Page 9).

Regarding Claim 14 NaturallySpeaking teaches a commercially available system and method for adapting an automatic speech recognition system wherein the system (server) further comprises a user interface (reference A: Figure 2-2; reference B: Figure 3).

NaturallySpeaking does not expressly teach utilizing the product/system's graphical user interface to enable an operator to select at least one product for promotion and a person for promoting the selected product as claimed.

Miciak et al. teach selecting a product/service and a person to promote the selected product/service, in an analogous art product promotion/marketing for the purposes of contributing to the success of the product/service as discussed above.

It would have been obvious to one skilled in the art at the time of the invention that the method for method for adapting an automatic speech recognition software product as taught by NaturallySpeaking would have benefited from employing any of a plurality of methods/systems to market/promote the use of the commercial ASR product including but not limited to using celebrity endorsements/testimonials to promote the use of the ASR product in view of the teachings of Miciak et al.; the resultant method assisting in promoting the sale of the ASR product, which is purely known, and an expected result from celebrity endorsements of what is known in the art (Miciak et al.: Paragraph 2, Page 1; Paragraph 4, Page 9).

Furrher it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of selecting a product to

promote and a person to promote a product, by providing a graphical user interface, gives you just what you would expect from the manual steps as shown by the system/method for adapting and promoting an automatic speech recognition product as taught by the combination of NaturallySpeaking and Miciak et al.. In other words there is no enhancement found in the claimed step. The claimed step of enabling a user to select a product to promote and a person to promote the product via graphical user interface only automates the manual activity. The end result is the same as compared to the manual method. A graphical user interface simply provides a simpler mechanism for selecting the product and/or person. The result is the same.

It would have been obvious to a person of ordinary still in the art at the time of the invention to automate the steps of selecting a product to promote and a person to promote the selected product via graphical user interface because this would provide a convenient mechanism for selecting the data and/or interacting with the system/method, which is purely known, and an expected result from automation of what is known in the art.

Regarding Claim 15 NaturallySpeaking teaches a commercially available system and method for adapting an automatic speech recognition system wherein the data associated with the at least one person further comprises contact data (i.e. the user name assigned to the personal files) wherein the contact information is used to make the adapted product available to at least one person (user selects/enters their username

at the start of their session with the ASR; reference A: Bullet 1, Page 25; Pages 299-301; reference B: Column 2, Paragraph 2, Page 56).

Regarding Claim 16 NaturallySpeaking teaches a commercially available system and method for adapting an automatic speech recognition system wherein the (accessing) data further comprising recording instrumentation data for providing instructions to one of a device and an operator (user) of a device for recording sample data, and wherein the system (server) uses the recording instrumentation data for providing instructions to one of a device and an operator of a device for recording sample data (reference A: Pages 38-39, 299-301; reference B: Column 1, Paragraphs 3-5, Page 58).

Regarding Claim 17 NaturallySpeaking teaches a commercially available system and method for adapting an automatic speech recognition system to a selected person wherein the data associated with at least one person includes associated persons data including (accessing) data for accessing sample data associated with the at least one associated data wherein the system (server) uses the associated person sample data to adapt the product to the at least one associated person (Moby, vocabulary builder, etc.; reference A: Pages 25-29, 33-37, 118, 240; Paragraphs 2-3; Bullets 1-7, Page 246; Page 245;Table 3-1; reference B: Column 1, Paragraph 2, Page 57; Pages 62-63; Figure 8).

15. Claim 18 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Dragon System's NaturallySpeaking product as evidenced by at least the following:

I. Kay et al., Dragon NaturallySpeaking for Dummies (October 1999), herein after reference A; and

II. Adler, Alan, Speech Recognition Software, Round II (December 1998/January 1999), herein after reference B

in view of Miciak et al., Choosing Celebrity Endorsers (Winter 1994) as applied to claims 11-17 above and further in view of Durham, Deborah, How to get the biggest bang out of your next spokesperson campaign (1997).

Regarding Claim 18 NaturallySpeaking teaches a commercially available system and method for adapting an automatic speech recognition system further comprising a person update module (code, program, software, routine, script, subsystem, etc.) wherein the subsystem scans (reviews, searches, views, retrieves, etc.) available information for information related to selected persons and enters the fond information into the personal files associated with the selected person.

Further the combination of NaturallySpeaking and Miciak et al. teaches a method/system for adapting an automatic speech recognition software product and promoting the adapted product as discussed above.

NaturallySpeaking does not expressly teach finding a *name* of a person by scanning scanned *publicly* available material, updating the person files by adding a

found name of a person not entered in the person database or updating the person database by adding data associated with a person having data stored in the database as claimed.

Durham teaches finding a name of a person by scanning publicly available material (Bullet 3, Page 1; Paragraphs 1-4, and Last Paragraph, Page 2), updating the person files by adding a found name of a person not entered in the person list and updating the person list by adding data associated with a person, in an analogous art of promoting/advertising a product/service for the purposes of maximizing the effectiveness of the selected high profile's person promotion of the selected product (Title; Paragraphs 1-3, Page 1).

It would have been obvious to one skilled in the art at the time of the invention that the system/method for adapting an automatic speech recognition product and promoting an ASR as taught by the combination of NaturallySpeaking and Miciak et al. would have benefited from scanning publicly available material to identify potential high profile persons to promote the ASR product as well as updating information/data on high profile persons' already identified as potential promotional/endorsement candidates in view of the teachings of Durham the resultant system/method maximizing the effectiveness of the selected high profile's person promotion of the selected product (Durham: Title; Paragraphs 1-3, Page 1).

16. Claim 19 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Miciak et al., Choosing Celebrity Endorsers (Winter 1994) in view of Dragon System's NaturallySpeaking product as evidenced by at least the following:

I. Kay et al., Dragon NaturallySpeaking for Dummies (October 1999), herein after reference A; and

II. Adler, Alan, Speech Recognition Software, Round II (December 1998/January 1999), herein after reference B.

Regarding Claim 19 Miciak et al. teach a method for promoting the use of a selected product/service comprising:

- selecting a person from a list utilizing predetermined selection criteria (Last Paragraph, Page 3; Bullets 1-5, Page 4; Paragraphs 2, 4-8, Page 8; Last Paragraph, Page 9);

- adapting a promoted product and/or promotion utilizing data for the selected person (Paragraph 3, Page 8);

- tracking the person's product usage (feedback, testimonial, etc.; Paragraph 6, Page 6);

- providing the promoted product to the person, prior to promoting the product, for at least the person's approval or use (Paragraph 6, Page 6);

- negotiating an endorsement agreement with the selected person, if the person is satisfied with the product (Paragraph 7, Page 2; Paragraph 6, Page 5; Paragraph 4, Page 7; Paragraph 4, Page 9); and

- promoting the selected person's use of the product using information collected about the person (Paragraph 6, Page 2).

While Miciak et al. teach selecting a person from a list Miciak et al. is silent on storage/access mechanism used to create and/or maintain the list (spreadsheet, database, text file, etc.) and subsequently does not expressly teach utilizing a database to store the list of high profile persons as claimed.

Official notice is taken that utilizing a database is an old and well-known method/approach to automating the storage, access/retrieval and utilization of electronic data as well as provides a convenient mechanism for accessing stored information.

It would have been obvious to a person of ordinary still in the art at the time of the invention that the system/method for adapting and promoting the use of an automatic speech recognition product as taught by NaturallySpeaking would have benefited from utilizing a database to store the already electronically stored ASR data the resultant system providing a more robust mechanism for capturing, store and/or accessing/retrieving the data, which is purely known, and an expected result from automation of what is known in the art.

Further it is noted that it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the

same result is not sufficient to distinguish over the prior art, In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply utilizing a database to store the list of high profile persons (celebrities, spokespersons, etc.) merely provides a more automatic/systematic mechanism for storing, retrieving and utilizing the already available list and gives you just what you would expect as shown in Miciak et al.. In other words there is no enhancement found in the claimed step. The claimed step of selecting a person from a database provides another mechanism/approach to access/select a high profile person for the list of Miciak et al. The end result is the same as compared to the method taught by Miciak et al.. A database can simply provide a more robust mechanism of accessing/retrieving and/or utilizing the list of high profile persons. The result is the same.

Miciak et al. does not expressly teach limiting the intended filed of use of the promotional/advertising method to automatic recognition software products, determining that the software product is an automatic speech recognition product or transcribing a verbal sample of data as claimed.

NaturallySpeaking teaches promoting/marketing/selling an automatic speech recognition product, determining if the software product is an automatic speech recognition product and transcribing a verbal sample of data if it is determined that the software product is an automatic speech recognition product as discussed above.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for promoting the use of one or more products using one or more selected high profile persons would have been utilized to promote any of a myriad of products/services including but not limited to an automatic speech recognition product in view of the teachings of NaturallySpeaking; the resultant method assisting in promoting the sale of the ASR product, which is purely known, and an expected result from celebrity endorsements of what is known in the art (Miciak et al.: Paragraph 2, Page 1; Paragraph 4, Page 9).

Further it is noted that the phrases "software product" and "automatic speech recognition product" merely represent non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific product type to be promoted. Further, the structural elements remain the same regardless of the specific product type to be promoted. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sherwood et al., U.S. Patent No. 6,163,768, teach a system and method for configuring a software product, an automatic speech recognition product, to adapt to a person utilizing an adaptation module and sample person data (enrollment).

- Beigi et al., U.S. Patent No. 6,345,252, teach a system and method for collecting and searching person sample data (e.g. audio/video) based on the content of the sample data and/or the identity of the person.

- Brooks et al., U.S. Patent No. 6,477,493, teach a system and method for adapting an automatic speech recognition software product to a person based on

collected person sample data (off-site or batch enrollment) as well as transcribing the sample data.

- Kermani, Bahram Ghaffarzadeh, U.S. Patent No. 6,697,796, teaches a system and method for searching and/or retrieving person sample data from a database of person data (audio database).

- Murveit et al., U.S. Patent No. 6,766,295, teach a system and method for adapting a recognition software product to a person based on sample person data as well as transcribing a verbal sample of data.

- Damiba, Bertrand, U.S. Patent 7,069,513, teaches a system and method for transcribing verbal sample data, via well known automatic speech recognition techniques/systems/methods, over the Internet.

- Ojala, Marydee, Broadcast News Comes to your micro (1991) teaches a commercial system and method for collecting, storing (in a database) and distributing person data including but not limited to transcribed audio/video data for the purposes of identifying information of interest (i.e. media clipping/monitoring service).

- Ojala, Marydee, Online Broadcast News (1991) teaches Burrelle's Broadcast database, a commercial system and method for collecting, storing in a database and distributing person data including but not limited to transcribed audio/video data for the purposes of identifying information of interest.

- Burrelle's Selects Fulcrum Software for Web-Enabled Clipping Management (1998) teaches the public use and sale of an Internet-based system and method for

identifying information of interest including but not limited to the "clipping" of audio and video data via Burrelle's Information Office (BIO).

- Bates, Mary Ellen, Electronic Clipping Services (1994) teaches the old and well known use of computer-implemented systems and methods for collecting, storing, searching and distributing person sample data.

- Martinez, Kimiko, Celebrity Endorsements (2001) teaches the old and well known use of celebrity endorsers as well as a method for finding "the right celeb for your business" wherein at least one of the method steps includes conducting an Internet search.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJ
7/8/2006

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